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# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

### Third to fifth periodic reports of States parties due in 2012

### Bhutan*

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## List of acronyms and Dzongkha terms

| | |
|---|---|
| BBSC | Bhutan Broadcasting Service Corporation |
| BCMD | Bhutan Centre for Media and Democracy |
| BLSS | Bhutan Living Standards Survey |
| BNF | Bhutan Nuns Foundation |
| BNLI | Bhutan National Legal Institute |
| CAA | Child Adoption Act of Bhutan 2012 |
| CABA | Children affected by HIV and AIDS |
| CCIS | Crime and Criminal Information System |
| CCPA | Child Care and Protection Act of Bhutan 2011 |
| CCPC | Civil and Criminal Procedure Code of Bhutan |
| CRPD | Convention on the Rights of People with Disabilities |
| CSO | Civil Society Organisation |
| CSOA | Civil Society Organisations Act |
| DCRC | Department of Civil Registration and Census |
| DVPA | Domestic Violence Prevention Act of Bhutan 2013 |
| EMIS | Education Management Information System |
| FYP | Five Year Plan |
| GEWOG | Groups of villages |
| GNH | Gross National Happiness |
| GNHC | Gross National Happiness Commission |
| HIMS | Health Information Management System |
| HPV | Human Papilloma Virus |
| MDG | Millennium Development Goals |
| MoAF | Ministry of Agriculture and Forests |
| MoE | Ministry of Education |
| MoFA | Ministry of Foreign Affairs |
| MoH | Ministry of Health |
| MoLHR | Ministry of Labour and Human Resources |
| NCWC | National Commission for Women and Children |
| NEP | National Education Policy |
| NHS | National Health Survey |
| NPACP | National Plan of Action on Child Protection |
| NSB | National Statistical Bureau |
| NYP | National Youth Policy |

| | |
|---|---|
| PAR | Poverty Analysis Report |
| PCB | Penal Code of Bhutan |
| RBP | Royal Bhutan Police |
| RCSC | Royal Civil Service Commission |
| REAP | Rural Economy Advancement Program |
| RIHS | Royal Institute of Health Sciences |
| SCF | Save the Children |
| SITAN | Situation Analysis of Women, Youth and Children |
| Thromde | Municipalities |
| TIP | Trafficking in persons |
| TOT | Training of trainers |
| UMSB | University of Medical Sciences of Bhutan |
| WCPD | Women and Child Protection Desk |
| WCPU | Women and Child Protection Unit |
| YMC | Youth Media Centre |

# Introduction

1. The 3rd-5th Periodic Report was planned for submission to the Committee on the Rights of the Child in 2012. Preparation for and subsequently the 2nd Parliamentary Elections of the Kingdom of Bhutan posed challenges in the finalisation of the report.

2. The Committee on the Rights of the Child at its 1353rd and 1354th meetings (see CRC/C/SR.1353 and 1354) held on 22 September 2008 considered the 2nd Periodic Report of the Kingdom of Bhutan, recognizing the many positive developments made in follow up to the recommendations made in the Concluding Observation to the Initial Report. The document CRC/C/BTN/CO/2, dated 8 October 2008 also made recommendations for improvement.

3. As reaffirmation of its commitment towards the promotion and protection of child rights, Bhutan ratified the two Optional Protocols to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution and Child Pornography on 26 October 2009 and Involvement of Children in Armed Conflict on 9 December 2009.

4. Bhutan also signed the Convention on the Rights of People with Disabilities (CRPD) on 21 September 2010.

# Chapter 1. General measures of implementation

**Legislation**

5. Rights of children are enshrined in the Constitution of the Kingdom of Bhutan (Constitution), the Penal Code of Bhutan (PCB) 2004 and its Amendment in 2011 and the Civil and Criminal Code of Bhutan (CCPC) 2001 and its Amendment 2011.

6. Article 9 of the Constitution on the Principles of State Policy has three provisions that have a direct relation to children in terms of provision of free education for all children up to class 10 and protection against discrimination. These are as follows:

- Article 9(15) ensures that "the State shall endeavour to provide education for the purpose of improving and increasing knowledge, values and skills of the entire population with education being directed towards the full development of the human personality";
- Article 9(16) ensures that "the State shall provide free education to all children of school going age up to tenth standard and ensure that technical and professional education is made generally available and that higher education is equally accessible to all on the basis of merit";
- Article 9(18) ensures that "the State shall endeavour to take appropriate measures to ensure that children are protected against all forms of discrimination and exploitation including trafficking, prostitution, abuse, violence, degrading treatment and economic exploitation".

7. The enactment of the Child Care and Protection Act 2011 (CCPA) and the Child Adoption Act 2012 (CAA) represent milestones in the strengthening of the legal framework for the care and protection of children in observance of the commitment of the Royal Government of Bhutan (Government) under the Convention on the Rights of the Child (CRC).

8. The CCPA has provided for a uniform definition of children in line with the CRC and has also set the minimum age of criminal responsibility at "above 12 years." The CCPA provides simplified procedures to address the needs of children, if found in

circumstances that need appropriate and timely action. Previously, Bhutan only followed the PCB and CCPC, and now with the enactment of the CCPA, Bhutan has a specific legislation in addition to the two aforementioned laws and is able to expedite the delivery of justice to children and respect the circumstances that relate to children.

(a) Section 16 of the CCPA clearly states that any "person below the age of 18 years shall be treated as a child";

(b) Section 72 of the CCPA clearly states that "a child in conflict with the law is a child who is above 12 years of age", thus raising the age of criminal responsibility from 9 years as provided for in Section 114 of the Penal Code of Bhutan 2004. The Penal Code was amended in 2011 to also raise the age of criminal responsibility and Section 114 states "If the defendant is a child of 12 years and below, he/she shall not be held liable for any offence committed by him/her".

9. The CAA has provided for a systematic approach on adoption procedures. Reference was made to the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption in the drafting of this legislation, and primary consideration is given to the best interests of the child. This law also ensures protection of the best interests of the child through provisions on requirement of submission of post adoption reports to the Competent Authority – National Commission for Women and Children (NCWC). It is required that all post adoption reports submitted are prepared by recognised adoption service providers or responsible government agencies until the adopted child attains the age of 18 years (in the case of international adoptions). The CAA mandates the NCWC to follow up and monitor all domestic adoptions until the adopted child attains the age of 18 years.

10. The Domestic Violence Prevention Act 2013 (DVPA) in its preamble recognizes women as primary victims of violence and has provisions that both protect victims of domestic violence and penalize perpetrators. The NCWC, also designated the Competent Authority to implement the DVPA is responsible to take the lead to collaborate with other government and non-government organisations in preventing domestic violence as well to protect victims of domestic violence, which include children.

11. In addition, the Government has taken several other measures to comply with the CRC by strengthening child related provisions in the PCB and CCPC as well as the Prison Act 2009.

12. The discriminatory provision against male children in relation to sexual offences under the PCB was amended in 2011.

13. Bhutan has also conducted a mapping and assessment of the child protection system in Bhutan and developed the National Plan of Action for Child Protection (NPACP). The assessment clearly outlined existing child protection issues, challenges faced and recommendations which will be addressed during the 11th Five Year Plan (FYP) (2013-2018), in order to ensure systematic and effective prevention and response to these issues.

14. Bhutan has reviewed its legislations on the provisions related to the sexual exploitation of children whereby the classification of offences related to sexual offences against children has been increased.

15. The CCPA which was enacted in 2011 imbibes all the relevant provisions of the Riyadh Guidelines, the Beijing Rules and other important international instruments related to the rights of children. This thus ensures the protection of the best interests of children in conflict with the law and in difficult circumstances in all instances. The CCPA also ensures that child victims are protected and respect for their privacy maintained.

16. Deprivation of the liberty of children is considered as a last resort. The CCPA encourages socialization process by facilitating the socialization and reintegration of children in conflict with the law. Even in extreme cases where the child is deprived of liberty, the child has the right to maintain contact with family members through correspondences and visits. The CCPA also stipulates that detention shall be the last resort and that too for periods as short as possible. All children are detained separately from adults, and separate conveyance of children from that of adult offenders is ensured.

**Coordination**

17. The NCWC which is the agency entrusted with the responsibility of coordinating the implementation of programs related to the promotion and protection of the rights of women and children was granted autonomous status in 2008 and for the first time a Cabinet Minister was appointed as Chairperson of the Commission of the NCWC. The NCWC functions under the guidance of the Commission that comprises of high level government officials and representatives from the media, civil society, academia and business sector. The current Commission is chaired by the first female Minister.

18. Its initial establishment via an Executive Order to fulfil commitments towards the CRC has been further reinforced through the CCPA, CAA and the DVPA. The three legislations have designated the NCWC the Competent Authority, outlining its responsibilities for the implementation of the three legislations.

19. Mandated with the authority to coordinate with various sectors, the NCWC works with government and non-government sectors at both the national and local levels. At the national and local levels, by coordinating with the Royal Bhutan Police (RBP) to establish protection mechanisms for women and children at the district levels; through the Bhutan National Legal Institute (BNLI) to strengthen justice process; and with Civil Society Organisations (CSOs) to provides other necessary services. With the objective of strengthening coordination at the local level, the NCWC is in the process of establishing the multi-sectoral Child Welfare Committees in line with Section 55 of the CCPA.

20. Building on the existing national gender focal points network, the NCWC is working towards the establishment of a systematic coordination mechanism to address the rights of children. This has resulted in an increased engagement of government and non-government organisations, particularly through the child protection focal points in each of the partner organisations.

21. Since the enactment of the CCPA, the NCWC has made significant progress in the protection and promotion of child rights. Initiatives include the:

- Review of the progress made by NCWC and development of a strategic plan document for the NCWC in taking forward the rights of women and children;
- Mapping and assessment of the child protection system in Bhutan and preparation of the National Plan Action for Child Protection (NPACP) which was integrated in the sectoral 11th FYP;
- Initiation of the first violence against children study;
- Assessment of the situation of child labour in Bhutan;
- Training of trainers (TOT) programs on child rights and child protection;
- Training programs for judicial and law enforcement as well as civil society partners; and
- Appointment of child protection focal persons in both government and non-government sectors.

**National Plan of Action or Policies**

22. The 10th FYP (2008-2013) for the first time incorporated a program for "Strengthening the Advancement of Women and Children" in addition to the sections on child health and education.

23. A separate National Key Result Area (NKRA) on Vulnerable Groups has being included in the 11th FYP, which includes children. Indicators against the NKRA and Sector Key Result Areas (SKRA) will be utilised to track progress during the 11th FYP period.

24. Report on the Mapping and Assessment of the Child Protection System in Bhutan which was prepared by the NCWC in coordination with government and non-government organisations includes the NPACP. Inclusion of government and non-government agencies from the initial process has resulted in a collective sense of ownership. The mapping and assessment exercise was carried out to guide the establishment of a comprehensive child protection system. The Committee of Secretaries (COS) of the Government and the Gross National Happiness Commission Secretariat (GNHCS) endorsed the use of the report including the NPACP as a guideline in mainstreaming child protection issues into the 11th FYP, in order to empower children and enhance their participation in all spheres.

25. Although the NPACP is focused on child protection, the plan includes programming, targeting the protection of children as well as activities to enhance participation of children by empowering them to exercise their rights. Implementation of the NPACP will ensure that the rights of all children are protected and promoted, including those of vulnerable groups of children and in all settings.

26. The oversight of the NPACP has been entrusted with the NCWC, which has adopted a cross-sectoral approach to implement the NPACP. Working through the sector child protection focal persons and with the support of the UNICEF, UNFPA, UNDP, UNODC and Save the Children (SCF), implementation of the NPACP is on track.

27. Fully funded by the Government, the Child Care and Protection Office for child monks under the Commission for Monastic Affairs of Bhutan was established in 2013 to ensure provision of adequate protective services to child monks and nuns.

28. In order to further the promotion and protection of the rights of women and children the Royal Civil Service Commission (RCSC) in 2014 approved the appointment of three additional officers for the NCWC. The NCWC is also in discussion with the GNHCS and the RCSC on further enhancing the human resource capacity of the NCWC. It is expected that 7 social welfare officers will be appointed in 7 districts covering the 4 regions of north, south, east and west, before the end of the 11th FYP.

29. Child protection focal persons have also been appointed in 10 key government and non-government organisations to ensure mainstreaming of child rights into sector policies and plans.

30. The Commission for Monastic Affairs of Bhutan is currently drafting guidelines and strategic plans for child care in monastic institutions as well as guidelines for alternative positive discipline. The Child Care and Protection Office has been staffed with an additional official who works with the Religion and Health Program of the Commission to enhance the well-being of child monks and nuns.

**Independent Monitoring**

31. The NCWC was made a fully autonomous agency of the Government in 2008 and it continues to provide a platform to receive and respond to complaints on the violation of the rights of women and children. The Legal Unit staffed with a legal officer and a legal assistant, provide legal services which include legal counselling, representation in court and

coordinating with other service providers to rehabilitate and reintegrate victims into mainstream society.

32. The Legal Unit also monitors cases of violations of child rights, and ensures these rights violations are redressed by following up with concerned organisations, both government and non-government.

**Allocation of resources**

33. Bhutan's development planning framework continues to be guided by our development philosophy of GNH which encompasses the four pillars of sustainable and equitable socio-economic development, preservation and promotion of culture, conservation and sustainable utilization and management of the environment, and promotion of good governance. Pursuant to Article 9-2 of the Constitution, which directs the State "to promote those conditions that will enable the pursuit of Gross National Happiness", the operational aspects of GNH have been strengthened, most notably with the introduction of the GNH Index in 2008 and the GNH Policy Screening Tool in 2009. The GNH Index based on biennial surveys, provides an overview of performance across 9 domains of GNH that include health, education, living standards, ecological diversity and resilience, good governance, psychological well-being, time use, community vitality and cultural diversity and resilience. Based on the 2010 GNH Index, composite score of 0.743,41 percent of Bhutanese were identified as happy, being sufficient in 73 percent of the domains while the remaining 59 percent enjoyed sufficiency in 57 percent of the domains.

34. The GNH Policy Screening has been used as a tool to assess the impact of new policies on GNH and to mainstream GNH into all new policies being formulated against twenty-two variables representing the 9 domains of GNH. Since its introduction, twelve policies related to human resources, youth, education, health and nutrition, land, natural resources, and industries have been approved.

35. The Government has made concerted efforts in the area of social development right from the start of the 1st FYP allocating approximately a quarter of its budget outlay to the health and education sectors. The people centred approach to development has seen remarkable progress in access to and efficiency of social services with the continuance in the allocation of more than 40% of its budget outlay to social development.

36. Social investments in the 10th FYP amounted to Nu.20.04 billion which was 13.7 percent of the 10th FYP budget and in the 11th FYP, resource allocation towards the social sectors Nu.19.8 billion, which is 9.25 of the 11th FYP budget. This allocation includes the health and education sectors in addition to the budget allocation to the NCWC which amounts to Nu. 0.135 billion during the 10th FYP and Nu. 0.154 billion in the 11th FYP.

37. The main strategic thrust is on achieving inclusive social development to further reduce income and multidimensional poverty, addressing emerging social issues and improving social outcomes in health and education sectors, all of which have an impact on improving the conditions of children and youth. The strategic infrastructure development will also focus on social infrastructural development of new and improvement of existing health and education facilities.

38. Social sectors like health, education and roads receive maximum capital investment in order to achieve national goals that are in line with international conventions and goals. Bhutan has made significant and sustained progress and is on track towards achieving almost all the MDG Goals by 2015. Targets such as enrolment ratio, underweight under-5, and improved drinking water source and access to proper sanitation have all been achieved. Similarly, most of the other targets are on track. Even after achieving most MDG targets, the country has not remained complacent. Making "MDG plus achieved" as one of the

National Key Results Areas (NKRAs) of the 11th FYP indicates the importance the Government is giving to the social sector. In the area of health, the targets are to significantly reduce infant mortality rate, under five mortality rate, maternal mortality rates, incidence of tuberculosis and malaria and improve coverage of clean drinking water and improved sanitation.

39. In the 11th FYP, the education sector will focus on improving the quality and relevance of education and increasing access and sustainability of education. There will also be an emphasis on enhancing gender parity at the tertiary level as Bhutan has already achieved the target for gender parity at primary and secondary school levels. The target set is at least 90 percent from the current 71 percent female to male in tertiary education. In terms of school enrolment rates, the target is to achieve close to 100 percent enrolment by 2018. Towards achieving the goal of quality and relevance, the education sector will be implementing the Teacher Human Resource Policies and the Education ICT Master plan in the 11th FYP.

40. The key issues and challenge of the health sector include delivering quality health care; acute shortage of all categories of health personnel against the growing need to expand health services; growing incidence of non-communicable diseases; spread of HIV/AIDS, TB, Malaria and outbreaks of Neglected Tropical Diseases (NTDs); maternal and child health; nutrition; and sustainable healthcare financing. The Eleventh Plan aims to improve access to quality and equitable health services, strengthen preventive, promotive, rehabilitative and palliative health services and promote efficiency and effectiveness in financing and delivery of health services. Strategies to achieve these objectives include greater emphasis on preventive and promotional measures; human resources development; sustainable health financing; standardization of Health and interoperability; and consolidation of health infrastructure.

41. In recent years, with the imminent graduation of Bhutan from an LDC into an MIC, development partners are gradually withdrawing support especially towards social investment in the education sector. This has major implications in terms of service delivery especially since health and education are both provided free, and till date most capital investments were funded through external support, with total recurrent costs borne by the government. This gradual withdrawal of support from development partners will stretch the available domestic resources and may impact on the gains made so far, impeding progress towards the EFA and MDG goals.

**Cooperation with the civil society**

42. Article 9 (3, 5 and 6) of the Constitution obligates the State to create a civil society.

43. The Civil Society Organizations Act of 2007 (CSOA), Civil Society Organizations Authority (established in 2009) and the Civil Society Organisations Rules and Regulations (published in 2010), provide the framework for the establishment, functioning and monitoring of CSOs. The legal framework stipulates that CSOs shall operate in constructive partnership with the Government "to advance public interest socio-economically, culturally and environmentally" and to "fulfil the Government's policies and programs". Since the CSO Authority was established, 38 CSOs have been registered, which include public and mutual benefit organisations.

44. The CSO Funds Facility set up in January 2010 as a temporary fund management mechanism to provide grants to support CSOs in Bhutan on a demand-driven basis has till date provided grants of Nu.50 million to over 75% of the registered CSOs. It channels fund provided by the Danish Government through the Liaison Office of Denmark and other development partners to CSOs in accordance with the CSOA. The Facility contributes to

the objective of creating an enabling framework for non-state actors (media, civil society and private sector) to strengthen democratic processes.

45. CSOs have been invited by government organisations to give feedback on legislations and policies as well as rules and guidelines. The CSOs were represented in the legislative committee of the NCWC that drafted the CCPA, CAA and the DVPA and the rules and regulations under these laws. CSOs were also part of the Steering Committee and the Core Working Group involved in the drafting of the National Plan of Action for Child Protection and have been included in the two oversight groups that provide guidance in the carrying out the Violence Against Children Study.

46. The NPACP also provides for the strengthening of CSOs to enable their effective participation in the promotion and protection of child rights, and has included the strengthening of the existing community support groups and the establishment of new groups where lacking.

47. The CSO RENEW which had previously focused on only working with women affected by domestic violence expanded their services to provide care and protection to children in difficult circumstances. The Government in 2012 handed over the operation of the government run transit shelter for children along with funding and equipment support to RENEW. The rights of the girl child are also being addressed by RENEW.

48. In line with the CCPA, RENEW has been able to build the capacity of community and youth volunteers. RENEW has been and further plans to provide services and implement programs according to the CRC and CCPA. RENEW supports children with disabilities through provision of education scholarships and counselling services. A community based network of volunteers to help receive and provide support, in cases of child related complaints has been set up. RENEW also formed the youth network Druk Adolescent Initiative on Sexual Awareness Network (DAISAN) to make the voices of children heard as a partner in policy development rather than remaining a mere target group or recipient of services. Henceforth, plans to develop programs targeted towards civil rights and freedom by advocating against gender-based-violence have been formulated.

49. RENEW's counsellors and case managers are trained by the Child Protection Officer to ensure that child victims are not re-victimized during legal proceedings. As far as possible, children are represented during legal proceedings by legal officers or counsellors from RENEW

50. The Bhutan Youth Development Fund (YDF) initiated a Child Protection Program under the Child Protection and Care Services with the goal to prevent and respond to violence, exploitation and abuse against children. Services include transit shelter, fostering, and rehabilitation and reintegration into the society along with prevention services to protect children at risk of violence, abuse and exploitation. A program strategic plan particularly in the areas of creating awareness on the issue, capacity building and provision of services to children under difficult circumstances and children in conflict with the law has been drafted.

51. Within its organization, YDF also carries out inter-program collaboration. A youth participation program called the Young Volunteers in Action (Y-VIA) works very closely with the Child Protection and Care Services in creating awareness and advocating on youth issues in communities. All activities of the YDF concerning child protection are developed and implemented after a series of consultative meetings with all relevant stakeholders. YDF ensures that its activities not only conforms to existing national laws like the CCPA which clearly calls for non-profit organizations to work in the areas of child protection but also meet international standards especially those stated in the CRC.

52. Scholarships are provided by YDF for children from economically disadvantaged families for both basic and higher education through the various scholarship programs. These include the YDF Higher Education Scholarship Scheme and the YDF Special Cases Scholarship, and joint partnership programs with the WWF, UNDP, Jaypee, Genesis, Rai Foundation and the Colombo Plan. Students under the basic education scholarship program are provided with Nu.5000 annually to meet basic necessities while under the higher education program, expenses for children to continue their education in private schools both in Bhutan and externally are met. YDF in collaboration with the Royal Thimphu College (RTC) also pays for the education of two youth annually to complete their education at the RTC.

53. The YDF trained its staff and child protection officers of relevant agencies on child protection through the TOT program and short workshops. In collaboration with the Ministry of Education (MoE), the YDF trained Non Formal Education instructors and teachers on Special Needs Education, and also conducted awareness programmes on Special Needs Education. Child forums for children of ages between12-17 years of age on child rights, their responsibilities and child protection issues have also been conducted.

54. YDF conducted a tracer study for children in conflict with the law in order to ensure that they are provided the services and assistance for their reintegration into mainstream society. The study reported that major challenges children faced post-release were the lack of adequate education, vocational skills, financial resources and stigmatization. One of the recommendations from the reported pointed out the need for collective efforts between government and non-government organisations to initiate aftercare services for children post-release. The YDF with the support of the UNICEF and Save the Children will work towards fulfilling the recommendations, bringing on board other stakeholders including the RBP.

55. The NCWC as the nodal agency for the project titled "South Asia's Initiative to end Violence Against Children" (SAIEVAC) has also been assisting in the provision of financial and technical support to CSOs for the programs under and outside the SAIEVAC project. The project aims to provide financial support to educate disadvantaged children through the CSOs as well as to create awareness on child protection issues and will be completed in December 2014.

56. The NCWC took the lead in the establishment of the first coalition of CSOs – the National Action and Coordinating Group on Action against Violence against Children (NACG) in Bhutan, which has been established in all the SAARC countries. The NCWC will continue to support the CSOs in strengthening this group until the NACG is able to function independently. The NACG has developed a draft framework for action to promote and protect the rights of children.

57. The NPACP also include activities for the involvement of CSOs in programmatic areas related to promotion of child participation in all areas with a focus on child participation in decision making.

58. The work of the Bhutan Centre for Media and Democracy (BCMD) relates to the promotion of youth participation in the democratic process using media as the medium. Programs include media clubs and training activities to encourage civic dialogues through online forums, conferences and seminars. The BCMD has also developed a media lab to enhance self-expression skills of youth to motivate wider and more active participation of youth in the community. The Youth Initiative for Debate, Deliberation and Development (YIDDD) was created "to give youth a voice on the policies that affect them and to enable them to participate and contribute to decision-making."

59. The Bhutan Nuns Foundation (BNF) established in 2009 has been working to empower girls and women in nunneries by working on improving their living conditions,

access to quality education and livelihood. Targeted interventions are based on detailed research carried out in each nunnery and include capacity building programs (ex and in-country) on adult literacy and practical and self-sufficiency skills. ToT for nuns have also been carried out to promote health education. Awareness programs have also been carried out on their rights through workshops on child rights and child protection issues.

**Data collection**

60. The National Statistical Bureau (NSB) takes the lead in the collection of data which includes data on birth registration, children's health and education which is being utilised as a basis for evidence based planning approach adopted by the Government. A notable survey led by the NSB in collaboration with the MoE is the Bhutan Multi Indicator Survey 2010 (BMIS) based on the Multi Indicator Cluster Survey. The final survey report includes disaggregated data on primary and secondary enrolment, Oral Rehydration Treatment, disabilities and protection issues covering child labour, child marriage and violence against women. The second stage study on disabilities carried out by the NSB, MoE and Ministry of Health (MoH) as a follow up to the first stage included in the BMIS provides extensive information on the nature, prevalence and extent of disabilities.

61. Further analysis of the BMIS data related to child protection, youth and health thematic areas was carried out, which provided in-depth information that has been used for evidence based planning to address these issues.

62. Other surveys and studies include the Bhutan Living Standards Survey (BLSS) 2012 and Poverty Analysis Report (PAR) 2012 which provide an in-depth look into poverty and living standards. Disaggregated data based on gender, age, economic status and location are provided in the BLSS, an analysis of which is given in the PAR.

63. The Report on the Mapping and Assessment of the Child Protection System in Bhutan provides comprehensive information in relation to protection of children-identifying six priority areas (laws, policies, standards and regulations; services and service delivery across a continuum of care; capacity and resources; coordination, collaboration and accountability; communication and advocacy and knowledge management). The Situation Analysis of Women, Youth and Children in Bhutan 2012 (SITAN) also provides updated information on various areas ranging from health to protection issues.

64. The NCWC is carrying out the three phase national level Violence Against Children Study, which is the first of its kind carried out in the country. The first phase provides an in-depth literature review and analysis of the secondary data available and was completed in January 2014. The second phase which will provide a qualitative analysis of violence against children issues is currently ongoing. The third phase focusing on the quantitative analysis of violence against children issues will be carried out in 2015. The final report that will provide a comprehensive perspective on the extent, prevalence and nature of violence against children in Bhutan will be used to carry forward an evidence based child protection program. The report will also inform the development of a comprehensive national communication and advocacy strategy on child protection.

65. The Crime Records and Analysis Unit of the RBP compiles and analysis crime data daily, preparing a situation report based on the analysis. The Crime and Criminal Information System (CCIS) managed by the Unit collates data, which includes data on crimes committed against children and offences committed by children.

66. RENEW has developed a data system to register data on gender based violence called the Gender Based Information Management System (GBVIMS) while the RBP is in the process of upgrading the CCIS, to also include disaggregated data on cases related to women and children. The NCWC also has in plans the establishment of a comprehensive

knowledge management system on children's issues as a follow up to the recommendation in the mapping and assessment report.

67. The Ministry of Labour and Human Resources (MoLHR) conducted a child labour survey in 2011 which was integrated into the Labour Force Survey 2011. The survey was undertaken to collect data on the prevalence of child labour between the ages of 13-17 years. However, the worst forms of child labour was not covered especially those of children working in hazardous environments.

68. In 2013, the MoLHR conducted a child labour survey which was also integrated into the Labour Force Survey. This survey covered the worst forms of child labour for those children from the ages of 5-17.

69. Similarly, the BMIS, SITAN and other surveys were conducted by relevant government agencies in collaboration with the UNICEF.

70. The MoE has a comprehensive Education Management Information System (EMIS) which collects data on school children by district, school, age and gender. Based on the EMIS, the MoE publishes the Annual Education Statistics with relevant indicators.

71. The Health Information Management System (HIMS) of the MoH based on the recommendations of the World Health Organisation (WHO) compiles validated information, which is disseminated and used for evidence based planning for the provision of efficient and effective health policies and services. The HMIS also carries out and disseminates the periodic National Health Survey (NHS).

**Dissemination of the Convention and training activities**

72. With the assistance of the UN System and other development agencies, substantial progress has been made in creating awareness as well as strengthening national capacity to address the rights of children.

73. The CRC and the two optional protocols, which have been translated into the national language and printed, will be disseminated to all stakeholders including schools and district governments during 2014. A child friendly version of the CRC has been developed and printed versions in English and Dzongkha and will be made available at schools, youth centres, religious institutes and public places across the country by the end of 2014.

74. The 2nd Periodic Report and the Concluding Observations from the Committee have been made available on the NCWC website and the 2ndPeriodic report was shared at a stakeholder meeting including government, non-government, general public and children in 2008. Posters on child rights and responsibilities as well as videos on other issues like child marriage and disabilities have been produced by the YDF with support from development partners.

75. A significant achievement has been in the area of developing child protection interventions and institutionalizing capacity building on child rights. NCWC with the support of the UNICEF has developed a training curriculum on child rights and officials from relevant agencies are regularly trained on child protection including basic case management approaches. Police officers, legal officers, private law practitioners, labour inspectors, local leaders and heads of monastic institutions are being sensitized and trained on CRC, CEDAW, CCPA, child friendly justice procedures and gender related challenges.

76. Awareness on the DVPA has been carried out for students and lecturers of tertiary institutions and law enforcement agencies as part of the UN Secretary General's campaign against Violence Against Women- SG Unite which was launched in 2013.

77. The NCWC in collaboration with the UNODC organized an anti-human trafficking sensitization workshop for law enforcement officers and other stakeholders in the border districts. High level meetings on trafficking in persons (TIP) have resulted in a situational analysis and the formulation of standard operating procedures to prevent incidences of TIP.

78. Consultations with children on violence against children have been carried out since 2012 during which children were made aware on their rights as provided for in the CRC and the responsibilities that are synonymous with these rights. Children were also made aware on the national legal framework which was of relevance to them. These consultations also included children with disabilities from two institutions for children with disabilities.

79. A communications for development strategy on child protection is to be developed by the NCWC in collaboration with stakeholders to enhance understanding on child protection issues amongst various stakeholders and advocate for further support to strengthen the child protection system. This strategy will target a greater increase in knowledge on child rights and a change in attitudes and practices nationally.

80. Over 170 schools principals were oriented on counseling and child protection issues. A training manual for psychosocial support in emergencies has been adapted and shared with youth volunteers and schools counselors.

81. The International Day of the Girl Child was commemorated in 2013 with students and teachers in Thimphu. Participants also included parents, members of the Women and Children's Committee of the Parliament and officials from the MoE. A forum to discuss the importance of educating girls was televised on national TV to create awareness on its importance nationally.

82. Over 600 community members, children, policy makers and parliamentarians were sensitized on child rights and protection at the launch of the 2012 State of the World's Children Report. Over 3000 undergraduate university students and lecturers were sensitized on various national laws including on those related to the protection of child rights.

83. Law Clubs have been established in 24 pilot schools covering all 20 districts. These serve as an outreach mechanism for legal awareness and dissemination among children. The BNLI has also sensitized and trained local leaders from all 205 gewogs on child rights and protection. This will contribute towards protection of children's rights at the local level.

84. Using education as a medium to encourage both in and out of school youth to become productive and responsible citizens has always received high priority from the Government. The Educating for GNH programme was introduced in 2010 in schools to infuse the values and principles of GNH into education system and the surrounding communities. The GNH program is aimed at ensuring justice and equity in the management of schools. Several schools have reported development of positive attitudes and behaviours amongst students towards themselves, families, friends and the surrounding community.

85. The Colleges of Education have included in their curriculum an introductory class on child rights for the teacher-trainees and approximately 100 trainees have taken the child rights class annually. In addition, the College also conducts a session on the CRPD.

86. The Commission for Monastic Affairs of Bhutan has adopted child friendly procedures particularly to address child protection within monastic institutions, carrying out a number of sensitization programs for child monks and heads of monastic institutions across the country. Teachers and monks from monastic institutions and nunneries from the twenty districts have been trained on child rights and child protection issues. Meetings were also held with the 11 Expert Committee Members, all high ranking monks.

87. Labour Inspectors of the head office of the MoLHR and its Regional Employment and Labour Offices have been trained to create awareness on child labour for employers and employees while conducting their routine inspections in the formal sectors.

88. To create awareness amongst the general public on the effects of child labour on children's health, mental, social or moral development, the MoLHR has been observing the World Day against Child Labour every year since 2011.

## Chapter 2. Definition of the child

89. The definition of a child has been clearly stated in the CCPA and conforms to the definition provided in the CRC. Section 16 of the CCPA which was enacted in 2011 defines that "a person below the age of 18 years shall be treated as a child...."

## Chapter 3. General principles

**Non-discrimination**

90. The Constitution under Article 7 (15) states that "All persons are equal before the law and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status", while Article 7(16) ensures the right of every person to be presumed innocent until proven guilty in accordance with the law.

91. Article 9 (18) under the Constitution on the Principles of State Policy requires the State to take all appropriate measures to protect children against all forms of discrimination and exploitation.

92. Section 4 of the CCPA provides for the rights of children to be treated fairly and equally and with dignity, without any discrimination based on race, sex, religion, language, political or other status.

93. Reflecting the government's commitment towards providing education to all, especially children with disabilities, the draft National Education Policy (NEP) states that "children irrespective of abilities, location or background shall have equal access and opportunity to education" and that "all schools and institutes shall incorporate policy on special educational needs in their school policy document".

94. The establishment of the legal unit at the NCWC has enhanced the ease of reporting cases on the violation of rights of children and women. The NCWC provides its services to all children and women who require its services. In collaboration with various partner agencies, particularly the MoE, many children in difficult circumstances have been enrolled into schools based on the promotion of their best interests.

95. The Constitution via Article 7(8) and (11) guarantees every Bhutanese citizen the right to join public service and receive equal pay for work of equal value.

96. The Labour and Employment Act, 2007 (LEA) has provisions on the prohibition of discrimination against employees and applicants for vacancies in connection with recruitment, dismissal, transfer, training and demotion, wages and working conditions.

97. Chapter 2 of the LEA under Section 9 prohibits the worst forms of child labour while the Regulation on the Acceptable Forms of Child Labour was reviewed in 2012 to further align it with the ILO Conventions and strengthen protection for children.

**Best interests of the child**

98. Provisions in respect to the best interests of children are included in legislation through the CCPA in its preamble as well as through Section 6 under Chapter 2 on Principles and Objectives which states: "In actions concerning children ...the best interests of the child shall be the primary consideration."

99. The Child Care and Protection Rules and Regulations through Chapter 2 has also outlined provisions for the determination of the best interests of children in difficult circumstances and children in conflict with the law.

100. The Government has also adopted a number of policies and guidelines to ensure provision of the best care and educational facilities for the wholesome development of children. The draft NEP, National Youth Policy (NYP), Policy Guidelines for Special Education, Policy Guidelines for Early Childhood Care and Development and Guidelines for Private Schools (2012) and Early Childhood Care And Development Centres (2011) guide this process forward.

101. Awareness and training programs for caregivers working in the early child hood care centres and a module on child rights have been included into the curriculum of the two Colleges of Education as a means of promoting the best interests of children.

**Respect for the views of the child**

102. The drafting of the Constitution and the NYP actively included children. The NYP has reflected children's rights to participation, particularly in community and civic decision making as well as the democratic process. The NPACP has also emphasised on the rights of children to participate in decision making which include children's participation in policy development and the formation of youth forums.

103. The draft NEP also ensures for the greater participation of youth (13-24 years) by providing for their empowerment. The MoE ensures that children in schools are actively engaged by providing them the opportunity to take on lead roles as Captains and members of the School Management Boards.

104. Other partnerships between government organisations and children include the Police Youth Partnership Programs (PYPP) and the Police and Out of School Youth Partnership Programs (POSYPP) which have resulted in more meaningful dialogues and engagement between the government and youth.

105. A number of youth groups under the umbrella of government and civil society organisations have been formed to engage youth at all levels. These include the Youth Volunteers in Action (Y-VIA), the Youth Peer Education Network (Y-PEER), DAISAN, which is a member of the South Asian Regional Youth Network and the YIDDD. All the youth groups have an inclusive representation including youth with disabilities.

106. The different youth groups are involved in community service as well as creating awareness on and advocating for issues that affect them.

107. The YIDDD which was initiated to "facilitate youth participants' growth in becoming compassionate and visionary leaders for social change" has piloted the project with 20 Thimphu-based "Youth Representatives" who were selected and elected by schools and organisations. During the one year pilot phase in 2014, the group identified youth issues that require interventions and solutions to solve these issues. A 16 day training has been organised to enhance the capacity of the participants in effective communication and employment of a democratic approach towards solving problems and developing selfless motivation towards service guided by values. The YIDDD functions through three Committees: (a) Community Welfare Committee (promote agricultural production and

local industries to reduce import of food items with a long term target aligned with that of the government on achieving self-sufficiency); (b) Social Justice Committee (Proposal for National Policy for Disability); and (c) Education Committee (Proposal for the establishment of National Teaching Council of Bhutan).

108. The youth leadership program of the YDF which functions through the Y-VIA works on enhancing youth participation and provides young people with the opportunities to gain self-esteem through leadership trainings and participation in community well-being projects.

109. Other youth forums that have been established by government and non-government organisations as well as through initiatives of the youth themselves include the Bhutan Scouts Association, Tarayana Youth Clubs and the Go-Youth-Go.

110. The Go-Youth-Go which was established as an informal youth organisation has now become the youth wing of the Youth Media Centre (YMC) Youth members take ownership of their community by taking effective developmental interventions on identified identifying problems. The YMC also operates a 24 hour service helpline for youth in need of guidance and a Green Youth Cafe for those youth facing substance abuse and other issues.

111. Bhutanese children are also represented on the SAIEVAC Governing Board, serving as member on the SAIEVAC Governing Board in 2011 and currently as observers.

112. The rights of children in difficult circumstances and children in conflict with the law to be heard have also been addressed under the CCPA and its Rules and Regulations. These legal documents clearly provide for children to record statements separately, and also the rights of children to be provided with information on the legal process and legal representation. Furthermore, rights of children to participate in decisions affecting them have also been clearly reinforced in the CCPA and its Rules and Regulations.

113. Other legislations like the CAA also make it a requirement for children who are placed for adoption to be counselled and their independent views concerning the adoption are to be sought and given due consideration. The Marriage Act gives children after the age of nine to take a decision to live with either parent.

114. The RBP has also initiated the development of an online forum for members of the PYPP and POYPP to actively engage in discussions on laws and other issues affecting them.

## Chapter 4. Civil rights and political freedoms

### Birth registration

115. As per the BMIS 2010, birth registration in Bhutan is 99% and there is no difference in registration of birth for both genders. All births are registered and each child is issued a health card which is a pre-requisite in obtaining a birth certificate.

116. Birth registration is free and does not involve any cost.

### Nationality and Identity

117. In order to ease the process of public service delivery which includes the service of citizenship registration, the Government initiated the Government-to-Citizen Project. The project aims to enhance and facilitate online service delivery to rural communities for poverty reduction and the realization of the Millennium Development Goals (MDGs) in Bhutan. This was done by establishing an effective e-governance system in Bhutan. It was

felt that these are basic services required by the rural people to support their basic livelihood practices.

118. Services for registration of birth have been made available at the 205 Community Centres, 20 Dzongkhag Civil Registration and Census Offices, 4 Thromde Administration Offices and the head office of the Department of Civil Registration and Census.

119. All necessary information of children are recorded which includes finger print scans of the children. Children are then registered with the family and provided with a citizenship identity number. On attaining the age of 15 years, the child's information are authenticated and then issued a citizenship identity card.

120. Mother and Child Health Guideline mandates that all institutionally delivered babies should be issued with Birth Certificates.

121. Birth Certificates for children/adults can be availed from hospitals after submission of required documents to the hospital administration.

**Torture and other cruel, inhuman or degrading treatment and Corporal punishment**

122. Article 8(5) of the Constitution prohibits a person from subjecting a child to acts of injury, torture or abuse while the CCPA prohibits harsh and degrading punishment of children at homes and in schools under Section 214 and child battery under Section 215. Section 23 of the CCPA also prohibits the use of restraints and force as a means of punishment and only permits its use if all other measures have been exhausted to protect the child or others from injury.

123. The MoE has issued an order that prohibits the use of corporal punishment in schools and the Annual Education Conference in 2008 adopted a resolution to ban corporal punishment in schools.

124. In 2011, the Guidelines for School Discipline which advocates the use of non-violent methods by schools to work effectively towards zero tolerance to indiscipline in schools and inculcates in children right human values and beliefs was drawn up. The main aim of the guide is to ensure a uniform and systematic approach to various disciplinary issues in schools through positive non-violent interventions and make schools safe, secure and conducive learning spaces.

125. Furthermore, the MoE has also published the "Educating for GNH – Refining our Education System", which is a Teachers' Training Manual on Educating for GNH. Chapter 3 of the Guide under characteristics of a child friendly school highlighted as some of the important indicators for psycho-social ambience, the need to ensure a safe and supportive school environment absent of corporal punishment and harassment from teachers and peers, and through the adoption of a positive disciplinary approach.

126. The MoE's School Based Parenting Education and Awareness Program (SPEA) has also trained teachers and parents in all secondary schools to better understand adolescent issues. Parents support groups established in secondary schools work with teachers to address adolescent issues including promoting positive discipline. A module on child protection has been drafted for the SPEA manual.

127. The Commission for Monastic Affairs of Bhutan in their 2013 Annual Conference adopted the resolution on the Alternative Forms of Discipline and has been carrying out awareness programs within the monastic institutions to use non-violent disciplinary methods.

**Follow-up to the UN Study on Violence against children**

128. The initiatives and measures taken by the Government towards fulfilling the recommendations of the UN Study on Violence Against Children begin with the provisions under the CCPA 2011. Chapter 14 on Offence Against a Child through Sections 212, 213, 214 and 215 prohibits all forms of violence against children including assault of and cruelty to a child, the use of degrading and harsh punishment of children in institutional settings and child battery.

129. Sections 221, 222, 223 and 224 of the CCPA also addresses other crimes against a child which include sale of a child, child prostitution, child pornography and trafficking of a child.

130. Furthermore, amendments made to the provisions of the PCB to prohibit violence against children include making the definitions on violence against children more inclusive and increasing penalties on crimes committed against children. Please refer to Annexure I on amendments on the penalties in the PCB.

131. Measures to prevent and respond to violence against children include mainstreaming within the planning process and a Minister appointed as Chairperson of the Board of Commissioners. The NCWC which is the agency entrusted with the responsibility of coordination and implementation of programs related to the promotion and protection of the rights of children was granted autonomous status in 2008, and the MoE was appointed as Chairperson of the Board of Commissioners. The NCWC functions under the guidance of this Board of Commissioners representative of high level government officials and representatives from the media, civil society, and academia and business sector.

132. Its initial establishment via an Executive Order to fulfil commitments towards the CRC has been further reinforced through the CCPA, CAA and DVPA, which has designated it the Competent Authority.

133. The CSO RENEW has developed the GBVIMS to register data on gender based violence while the CCIS housed under the RBP will be upgraded to include disaggregated data on cases crimes and offences committed by women and children and crimes committed against women and children.

134. The NCWC is in the process of carrying out the three phase Violence Against Children Study. The first phase which included an in-depth literature review and analysis of the secondary data available was completed in January 2015. The study will provide recommendations for evidence based planning and programming to prevent violence against children and respond and protect of child victims of violence.

135. Technical and financial support has been sought from and through the UN System in Bhutan. Expert opinion of experts on child rights issues from regional and international UN offices have been sought in the planning of national programs. Representatives from the various UN agencies have been part of the committees to draft and finalise the three legislations and the rules and regulations.

136. The Government and the CSOs will continue to seek support and involve members of the UN agencies and other relevant development partners in the planning of the programs to respond to address issues related to violence against children.

# Chapter 5. Family environment and alternative care

### Parental guidance

137. The MoE continues to build on the SPEA program by enhancing the capacity of teachers and parents to address critical areas of parenting. Parents support groups have been established in schools as an integral part of the SPEA program which includes parents as well as teachers.

138. A number of innovative early childhood care and development programs have been developed and disseminated by the MoE and the UNICEF which focus on a multitude of issues. This includes the development of the ECCD parenting education curriculum and training manual.

139. The Food and Nutrition Security Policy (FNSP) of the Ministry of Agriculture and Forests (MoAF) calls for the promotion of nutrition education and awareness for the development of healthy food habits and awareness and the need for appropriate maternal, child and youth feeding practices. This encourages early initiation of and exclusive breastfeeding with adequate complementary feeding of children beginning at 6 months.

140. RENEW also has parenting classes for women who avail the services of the shelter Gawaling. Gawaling also provides early childhood care and development programs for mothers and children. Women are taught child care practices that include feeding and other basics.

141. The Government in collaboration with the Bhutan Broadcasting Corporation has developed numerous television programs on good parenting habits on a range of issues – developing healthy food habits, social behaviour and health issues.

### Separation from parents and family reunification

142. Please refer to page 43, point 277-279 for more details on the issue of People in the Camps.

143. The first Joint Field Verification Team by Bhutanese and Nepalese authorities in 1993 concluded that there were different categories of people in the camps including non-Bhutanese. Despite appeals made by the Government including at the highest levels, some chose to emigrate to Nepal with their family after selling their property in Bhutan. Some family members chose to remain in Bhutan and continue to live in the country.

### Children without parental care

144. The CCPA provides for children in need of alternative care. Its Rules and Regulations has also clearly spelt out procedures in determining whether a child is in need of alternative care and laid down procedures for the determination of the best form of alternative care. In addition, the Rules and Regulations has also outlined minimum criteria for care providers (kinship, foster and residential institutions) and procedures to monitor the progress of children placed in alternative care.

145. If in the child's best interests, a child may be placed for adoption following procedures laid down in the CAA.

146. The NCWC is also in the process of developing Standard Operating Procedures to guide and monitor the provision of different forms of alternative care for children.

147. The 11 Expert Committee Members of the Commission for Monastic Affairs of Bhutan also carried out an assessment to map out the number of children in monastic institutions and nunneries in 2010. This assessment report is being used as a basis to

develop care and protection programs for child monks and nuns. In 2013, with the support of the government, the Commission inaugurated its first Child Care and Protection Office, which in addition to housing the Child Protection Officer, also functions as an alternative care facility for child monks and nuns in need of care and protection.

148. The Commission for Monastic Affairs of Bhutan continues in its efforts to build the capacity of monastic officials and children in monastic institutions, carrying out three trainings on the child rights and child protection in the three regions of the country and a consultative meeting for the 11 Member Expert Committee in 2014. The Annual Conference of the Commission also discussed on the rights of women and children in monastic institutions with a focus on the care and protection of children and the endorsement of the Alternative Forms of Discipline.

149. The BNF has also been carrying out awareness programs for the protection and promotion of women and children's rights for nuns. Trainings on child rights and child protection were also carried out in 2014 for nuns.

150. The NCWC has also included officials from the BNF in capacity building programs on gender, CRC and child protection.

**Adoption**

151. The Parliament in 2012 enacted the CAA. Although not party to the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoptions, provisions of the CAA have been aligned to that of the Hague Convention to the extent possible.

152. In line with the provisions of the CAA, the NCWC as the Competent Authority facilitates and monitors all adoption cases.

153. The NCWC has facilitated 41 domestic adoptions and 16 inter-country adoptions which as per provisions in the CAA have been processed through the Royal Courts of Justice.

154. The CAA and its Rules and Regulations have clearly outlined procedures for adoptions (inter-country and domestic) and include a number of provisions to protect the best interests of children being adopted.

155. As per the CAA and the CCPA, a child shall be only considered for alternative care or adoption if it is found that it is not in the best interests of the child to be living with his or her parents. Pre and post adoption procedures clearly indicate for the provision of counselling for the child and his or her parents, prior to the adoption as well as including the child in decisions that are been made with regard to his or her adoption.

156. Provisions have put in place to exhaust all means of care within the country before a child is considered for an inter-country adoption and that too only if it is in the best interests of the child. The CAA Act and its Rules and Regulations also outline stringent procedures to protect children placed for inter-country adoptions. Financial or any other benefits for those involved in the adoption or use of force and coercion have been outlined as penal offences.

157. The NCWC is also in the process of listing out the countries that may be permitted to adopt from Bhutan for systematic monitoring of children placed for inter-country adoptions to protect the best interests of the children placed for adoption.

**Violence, abuse, neglect and maltreatment**

158. In line with the CCPA, the NCWC is currently working on the establishment of the multi-sectoral Child Welfare Committees at the district level. The Committees will function to address cases of violation of rights of children at the district levels and provide necessary services required in the best interests of the child.

159. The CCPA and its Rules and Regulations ensure protection measures for child victims. Procedures to work with child victims have also been clearly outlined in the Rules and Regulations.

160. The NCWC is also working on drafting the standard operating procedures for the management and referral of cases of women and children in difficult circumstances. This will clearly provide a systematic management of cases by outlining procedures for reporting cases related to women and children and the roles and responsibilities of each stakeholder in the provision of appropriate, adequate and effective services.

161. The establishment of the legal unit under the NCWC ensures that all cases are addressed in a systematic manner. The appointment of a legal officer and legal assistant has also ensured that all cases are followed up on and calls on the services of various sectors if required.

162. The NCWC has also initiated discussions with the RCSC for the appointment of Child Welfare Officers to monitor cases.

163. The NCWC as an associate member of the Child Helpline International and the SAARC is in the process of establishing a 24 hours toll free helpline for children using the regional number of 1098. This is being carried out with the support from the SAARC Development Fund as part of the regional initiative to establish and strengthen child helplines within the South Asian region. The NCWC is currently working with Ministry of Information and Communications and the two telecom service providers to establish the helpline and is in the process of discussions with relevant sectors (RENEW, RBP, MoE, MoH) to connect the child helpline to the existing helplines to ensure effective delivery of services.

164. The final report of Violence Against Children Study will provide comprehensive data and information on the types, prevalence and extent of violence against children and also strategic recommendations to address this issue.

165. RENEW has since 2012 started working with children in need of care and protection by providing numerous services – shelter, counselling and other rehabilitative programs. The shelter "Gawaling" staffed with 8 personnel and with the housing capacity for 40 persons has provided services to 133 persons including children. Services provided include individual and family counselling, life skills training, legal service, 24 hour helpline and education programs through scholarships and non-formal education classes.

166. Over 170 school principals were oriented on counselling in addition to child protection issues. A male and female counsellor has been appointed in most secondary schools to provide counselling services to students.

167. Training on child protection organized by YDF included sessions on abuse of and violence against children to enhance knowledge to better understand such issues.

168. The RBP has also trained police personnel on child protection and all police recruits have basic understanding on child friendly procedures and working with child victims.

# Chapter 6. Basic health and welfare

**Children with disabilities**

169. The Government in 2010 signed the Convention on the Rights of Persons with Disabilities as a step towards re-affirming its commitment towards the promotion and protection of the rights of persons with disabilities.

170. The BMIS conducted in 2010 provided information on conditions that made children more likely to be living with disabilities; also making made recommendations for the government and other stakeholders to meet the needs of children with disabilities. This was followed by a two-stage disability prevalence study for children aged 2–9 in 2012 to assess the extent and prevalence of disabilities in the country. The report serves as an important tool for policy makers, researchers, practitioners, CSOs, and volunteers to promote participation, equity and happiness of such children. This study also forms the basis for identifying regions and areas for targeted special needs services, including education and health.

171. The Government has included disability in the FYPs, laws and regulations related to labour and building code, and Disability Prevention and Rehabilitation Program under the Department of Public Health.

172. Special educational needs of children with disabilities have been included in the draft NEP of the MoE. The NEP clearly states that all children including children with special educational needs shall have access to quality basic education that is free. The Policy clearly outlines the following:

(a) Preference in providing boarding facilities for children with special educational needs;

(b) School feeding program shall also give priority to children with special educational needs;

(c) All efforts to be made to ensure full participation of children with special educational needs; and

(d) Development of curriculum that is inclusive of the needs of children with special educational needs.

173. The NEP also calls for the preparation of a separate document to guide the special education program.

174. The MoE has expanded its education program for children with disabilities to 8 schools across the country which includes the two special schools for children with a visual impairment and hearing impairment. As of 2013, 259 teachers have been trained on inclusive education to cater to children with disabilities. A network of focal person across different sectors has been established and their roles in addressing the needs of children with disabilities mapped out. During the 11th FYP, the service centres of 15 schools including the existing 8 will be improved and upgraded.

175. To enhance access to academic and other reading material by children with visual impairment, the MoE translated 100 books (50 Dzongkha and 50 English) into Braille and has also translated all curriculum material into Braille.

176. Since the enactment of the CSOA, 3 CSOs have been established working on disability issues.

177. The Ability Bhutan Society established under the patronage of Her Majesty the Queen of Bhutan works on providing early intervention and integration of persons with disabilities and enhances the quality of life for persons with disabilities. The organisation also functions as a support group for parents and families of persons with disabilities. Bhutan Ability's focus is on persons with mental retardation, cerebral palsy, autism and multiple disabilities.

178. The Draktsho Vocational Training Centre for Special Children and Youth which was established in 2001was registered as a CSO with the CSOA in 2010. It functions to empower children and youth through the provision of vocational training for gainful employment and other developmental programs to build their self-esteem and make their self-reliant to ensure successful integration into mainstream society. Drakstho also provides the basis for the Special Olympics Bhutan, which was formed in 2010 and as a member of the Special Olympics, availed the services of professional coaches in training 4 athletes to participate in the Special Olympics in 2011.

179. In line with the National Health Policy (NHP) which has mandated the government to promote health facilities and services that are accessible to persons with disabilities (PWDs), physiotherapy services are available through the 22 hospitals in 18 districts and the Basic Health Units, with two paediatric physiotherapy units established at the hospitals in Thimphu and Mongar. Recruitment of ex-country specialists and health volunteers are some other initiatives to make health services more accessible to PWDs. Training of health workers on community based rehabilitation and disability assessment is being conducted.

180. Routine technical backstopping is provided by the MoH to the 8 schools with inclusive education across the country and the Draktsho Vocational Training Centre.

181. Advocacy and health promotion on public awareness in the community on early recognition of disability, prevention and the importance of community support has been carried out by the MoH nationally.

182. The Government provides community based rehabilitation services and follow up on referred cases.

183. At present all the children under the High Risk Neonate Intensive Care (NICU) are screened by using Rapid Neuro Developmental Assessment (RNDA) tool every 3 months during the Neonatal follow up clinic.

184. Older children with disabilities are assessed during Developmental Clinic by a Paediatrician and a Paediatric Physiotherapist with the main objective of educating the parent/caregiver on child with disability.

185. Disability screening camps provided through eye and oral annual outreach camps to the unreached population in communities and school going children (both monastic and modern schools).

186. Detailed assessments of children with disabilities are conducted before enrolment into the school. Through a joint collaborative effort between the MoE and MoH, school health teachers have been trained on early identification, basic management and referral in prevention of primary ear and hearing care in schools.

**Health and health services**

187. The priority accorded to the health sector is reflected in the high levels of public expenditure which have generally been about 4-5 percent of GDP over the last decade and comprised 6 percent of the total Tenth Plan Budget outlay. For the 11th FYP, a total budget of Nu, 8,146.23 million, 3.82% of the total plan budget, has been proposed for the health sector.

188. Another reflection of this commitment is in the tremendous progress in health indicators on target for achievement of the MDGs. Infant mortality rate has decreased to 47 deaths per 1000 live births and its under-five mortality to 69 / 1000 live births, both on target to achieve MDG 4. The Maternal Mortality Rate is decreasing rapidly and, at 180-200 deaths / 100,000 live births places the MDG 5 target of 100 / 100,000 live births by 2015 within reach. In relation to MDG 1, underweight has been reduced by more than half from 38% in 1990 to 12.7% in 2010.

189. Targeted interventions to improve reproductive health of women include the monthly visits made by gynaecologists to those districts that lack one and the successful introduction of the national Human Papilloma Virus (HPV) vaccinations campaign in 2010 which makes Bhutan one of the few countries which has introduced this as a part of the routine immunisation program. The NHS 2012 reports that 73.2% of girls aged 13 years have received HPV vaccinations.

190. The NHS reported that 95.1% of children between the ages of 12 and 23 months received all their vaccinations.

191. Bhutan won an award from the Global Alliance for Vaccines and Immunizations (GAVI) for Best Immunization Performance in 2009 for achieving a 96% coverage rate.

192. Primary health care coverage has expanded through the establishment of health units and outreach clinics and placement of health workers in the villages. Healthcare in Bhutan is offered through free access to modern medicine and traditional medical services. In 2011 there were 31 hospitals, 184 Basic Health Units, 517 Outreach Clinics 1 Indigenous Hospital offering free health services to the people.

193. Health Human Resource is planned and deployed as per the epidemiological trends, regional needs and disease burden. Currently, there are adequate health personnel trained and deployed to meet the specific medical needs of children.

194. The following are important initiatives by the MoH to increase access to health services around the country:

- Health Help Centre instituted;
- Expansion of IMNCI services to all health centres and Basic Health Units;
- New infrastructures constructed in inaccessible places.

195. Rates of malnourishment have reduced significantly but there are still indicators of under and malnourishments in some parts of the country. To address chronic malnutrition in children in the form of stunting and other under-nutrition problems, a high-level meeting attended by the Prime Minister of Bhutan and other high level officials from government and non-government sectors including the representatives from the UNICEF was held in 2014. A first step towards refocusing attention, reaffirming commitment and advancing the Government's agenda on nutrition for maternal and child health, the theme "Investing in the future of Bhutan through Nutrition Initiatives" was adopted for the meeting. The meeting made 15 recommendations for implementation by all relevant agencies which included implementation of policies and strategies that promote exclusive breastfeeding for six months followed by introduction of complementary food and breastfeeding up to 2 years of age.

196. Other important recommendations included:

(a) The usage of the window of opportunity that is the 1000 golden days in the life cycle of a child, within which foundation for a healthy life can be laid;

(b) Reintroduction of food and micro-nutrient supplements for pregnant and lactating mothers and infants with low birth weights; and

(c) Importance of multi-sectoral coordination to ensure inclusion of nutrition in the formulation of all planning processes within the ministries and other organizations.

197. The draft report "Nutrition in Bhutan: Situational Assessment and Policy Recommendations, 2014," a joint effort of the Government and the World Bank was carried out to "generate evidence and create awareness among Bhutanese policymakers, program managers, government officials and development partners to invest in strengthening the public nutrition system in order to address malnutrition in the first 1000 days." The assessment will be the basis for future World Bank and other development partners' operational and technical support to fight malnutrition in Bhutan.

198. The assessment which has identified gaps and opportunities to scale-up programs indicated the enormous extent and relevance of potential programs in health, agriculture and forests, education, rural water supply and sanitation on public nutrition. Policy as well as pragmatic and local level interventions have defined as short, medium and long-term to focus government action on key problems. Of the 5 priority recommendations drawn from sector specific recommendations based on feasibility, 2 are focused specifically on child, adolescent and women's health which are:

(a) A change in the formulation of the iron supplement in order to address problem of lack of acceptability of iron supplement provided to school girls; expanding weekly iron/folate to include girls 15-25 years old in order t to improve iron and folate status of women before pregnancy and extending iron supplements to lactating women through the first two years after pregnancy; and

(b) Collaboration between the MoH and MoE to develop a comprehensive life-skills education course on adolescent reproductive and sexual health as a part of the school curriculum, including increased access to contraceptives for girls and boys in order to reduce the high rates of adolescent pregnancies and low contraceptive use rates.

199. The FNSP of the MoAF is guided by the principles of ensuring gender sensitive and socially inclusive food and nutrition programs and easy access to sufficient and nutritious food. The policy reaffirms the commitment of the Government towards ensuring healthy lives for all children through the specific provisions on promoting maternal, infant and child feeding practices and targeted interventions to improve access to food by vulnerable groups which include children and people with disabilities.

200. The NHP explicitly mentions the need to promote "healthy growth and development" and calls for effective implementation of rules and standards to ensure safe and good quality food, reduction in malnutrition by advocating for breast feeding, appropriate nutrition, and integrated management of neonatal and childhood diseases.

201. Iron supplementation is provided to all pregnant women, and children up to class 8 are provided with de-worming medication in addition to the weekly iron supplements. This continues to be provided to girls after class 8.

202. Through the Neo-natal and Rehabilitation Unit at the Jigme Dorji National Referral Hospital (JDWNRH), children between the ages of 6 months and 5 years identified as malnourished are provided with mineral and vitamin supplements.

203. The Government continues to build the capacity of all health personnel through in-country and ex-country trainings. The University of Medical Sciences of Bhutan (UMSB) established by the Government has linkages to institutes in other SAARC countries. The UMSB also collaborated with the La Trobe University in Australia on a Bachelor in Nursing for 52 nurses. Under this collaboration, 4 faculty members and nurses have undertaken Masters Degrees. A Memorandum of Understanding has been signed between the Faculty of Public Health, Mahidol University, Thailand and MoH for collaboration in

the development and delivery of the Bachelors in Public Health Program. The course started in 2010 with 26 students.

204. In-country trainings are provided through the UMSB and include Post Graduate Residency Training in various fields including MD Paediatrics and MS Gynaecology and Obstetrics. Bachelors in Science in Mid-wifery and other course for nurses to upgrade expertise have also been introduced. In 2011 there were 181 doctors, 572 health workers, 723 nurses, and 1200 Village Health Workers in the country. Besides 38 Drungtshos or Traditional Doctors were also recorded. Pre-service and in service training in Infant and Young Child Feeding with an emphasis on breastfeeding and introduction of complementary foods for health workers is being carried out. A two-year full time bachelors program in public health is provided at the Royal Institute of Health Sciences (RIHS).

205. The Basic Science curriculum includes a module on nutrition and dietetics, and the pre-service training of a General Nurse Midwife includes food and nutrition.

206. The RIHS has approximately 200 candidates selected for their in-country training program in 2013.

207. Candidates selected on merit have been sent to undergo Bachelors in medicine and surgery and dentistry to Bangladesh, Cuba, India, Myanmar, Sri Lanka and Thailand. Since 2009, Bhutan has been sending 25 MBBS and 5 BDS students to the aforementioned countries on an annual basis.

208. The Government began assisting privately funded medical students abroad based on merit ranking and other criteria under cost sharing scheme.

**Adolescent Health**

209. The National Adolescent Health Strategic Plan 2013-2018, identifies inclusion of health education as a strategy to empower adolescents to engage in health promoting behaviours.

210. The Adolescent Health Education, which includes Adolescent Sexual Reproductive Health, is provided in the schools through the Comprehensive School Health Program while Adolescent Friendly Health Services has been piloted at the national referral hospital in Thimphu. Mental health component has been included in adolescent health services.

211. Some of the activities to strengthen adolescent health education within the educational system are carried out through the Health and Hygiene Program under the MoE. The program includes the:

- Review of existing curriculum on Adolescent Sexual Reproductive Health in schools;
- Integration of Life Skills Education Training Module into teaching curriculum and the development of guidelines/manual for teachers, caregivers and service providers;
- Appointment of fulltime counsellors and school health teachers in schools; and
- Establishment of more youth friendly services which include health services.

212. A national study "An Assessment of Vulnerable and At-Risk Adolescents (13–18 Years) in Bhutan: Exploring Social & Health Risk Behaviours was carried out by the MoE" with the support of the UNICEF. The assessment was carried out to gather strategic information about the behaviour and needs of vulnerable and at-risk adolescents in Bhutan aged 13–18 years, to better understand the broad range of risks and vulnerabilities faced by them and thereby better understand their service and programming needs. Areas that were a focus of the study included specific behaviour and settings that make marginalized

adolescents susceptible to negative social and health outcomes, including: pregnancy; sexually transmitted infections and HIV; tobacco, alcohol and drug misuse; and violence.

213. Vulnerable and at risk adolescents have also been defined in the study to better understand how vulnerability and risk influence health and wellbeing outcomes. The report outlines possible prevention and service interventions that government and non-government sectors can utilise for this easily forgotten and occasionally ignored group

214. Utilization of existing youth groups for discussion forums to enhance communication, coordination and collaboration with stakeholders and sustain partnership towards strengthening health education in schools are other initiatives to enhance adolescent health services with particular focus on sexual reproductive health.

215. Other initiatives to address sexual adolescent reproductive health also include those of the youth groups Y-PEER and DAISAN who work on the promotion of sexual reproductive health and awareness on HIV and AIDS. The DAISAN initiated the Global campaign- vision 2020 Global day of Action on the 13 May, 2014 to galvanize support for Sexual Reproductive Health & Rights (SRHR) Goal 1 for the post- 2015 framework. A three days awareness program was carried out targeting school students, parliamentarians and general public.

216. Part of the global network of more than 500 non-profit organisation, the Y-Peer Bhutan Network has initiated programs with an emphasis on SRHR and a focus on presentation, leadership, and facilitation skills to build and strengthen the network.

217. The Bhutan Narcotic Control Agency provides numerous supply and demand reduction programs to support person with additions including children. This is supplemented by the YDF through the Drug Education, Prevention and Rehabilitation Program. Under this program, the YDF set up the Nazhoen Pelri Treatment and Rehabilitation Centre which works mainly on drug/alcohol prevention, education and treatment aspects by strengthening the existing services like the Drop in Centre (DIC) and alcohol and drug dependents and Alcoholic Anonymous (AA) and Narcotics Anonymous (NA) in Bhutan. The two DICs set up under this program in the western and central regions of the country provide counselling and other support services to recovering addicts. Achievements under this program include increased awareness on drug and alcohol abuse related issues for the key stakeholders, out-door trekking for recovering users, community Drug/Alcohol outreach and short-term training on peer counseling and rehab management for recovering users.

218. A multi-sectoral team representing the government and non-government sectors and the Commission for Monastic Affairs of Bhutan participated in the training of trainers program on Understanding and Advancing Adolescent Health Participation and Well Being in South Asia.

219. To enhance service delivery and reach of health services to youth, capacity of health workers has been built and a National Standard and Implementation Guide for Youth Friendly Health Services developed for Health Workers.

220. Awareness conducted by the MoH and RENEW on the emotional and psychological impacts of domestic violence and effective parenting in order to help parents become sensitive about needs of their children and help the cope up with stress. IEC material developed focusing on Adolescent Health has also be developed and distributed.

**Standard of Living**

221. Great strides were made in the move towards achieving the main objective of the 10th FYP which was to reduce poverty to 15% by 2013 from 23.3% in 2007. While the poverty rate was brought down to 12% in 2012, poverty reduction continues to remain on

the top priorities of the Government. It has been identified as one of the NKRAs under the 11th FYP, which also has a special focus on addressing the needs of vulnerable groups.

222. The NSB in its Bhutan National Living Standards Survey 2012 (BLSS) points out that 98% of the households have access to improved water sources while 81% have access to improved sanitation facilities. It also shows that 92% of the country has electricity.

223. The PAR 2012 established the total poverty line at Nu.1,704.84 per person and estimated that approximately 12% of the population to be poor which is a decrease from the poverty rate of 23.2% in 2007.

224. The PAR 2012 also shows an improvement in literacy rates and inequality which is an indication of the success of public investments in basic social services especially education in rural areas.

225. One of the reasons for the reduction in poverty can be attributed to the Royal Kidu Program or the National Rehabilitation Program, initiated and spearheaded by the Office of Gyalpoi Zimpon, to reduce poverty through the enhancement of poverty asset base of marginalised household. This is carried out through the provision of adequate land, transitional and livelihood support and socio-economic facilities.

226. Other targeted intervention include:

(a) Rural Economy Advancement Program (REAP) which seeks to target extreme poverty in 126 villages identified during the 10th FYP as being most marginalised. Given the success of the pilot program in 10 villages during REAP I which was implemented in the 10th FYP period, the remaining 116 villages will benefit from the REAP II during the 11th FYP;

(b) The Local Government Empowerment Program will ensure that all local governments have basic facilities and necessary financial resources to deliver their mandate;

(c) The Special Program for Vulnerable Groups caters to the needs of vulnerable youth, people with disabilities and elderly.

227. Additionally, CSOs like the Tarayana Foundation, which collaborate with the Government, are working towards poverty alleviation in the most remote villages of the country.

**HIV/AIDS**

228. The National Strategic Plan 2012-2016 of the MoH has been revised to identify gaps and weaknesses in the national response and thus ensure health services are responsive to the needs of vulnerable and marginalised groups especially people living with HIV and AIDS. This is aimed at promoting their right to access quality services related to HIV prevention, treatment, care and support.

229. The National STI & HIV/AIDS Control program in order to prevent the transmission of HIV from mother to infants offers HIV screening to all pregnant mothers during ANC. In order to encourage mothers to take up the services, mass media promotion on PMTCT (prevention of mother to child transmission) and as well as awareness programs by the Multi-sectoral Task Force have been conducted across the country.

230. For children born to HIV positive mothers, prophylaxis treatment is provided to reduce the risk of transmission and formula feed for infants are provided by the government to prevent the transmission through breast milk.

231. For children affected by or living with HIV/AIDS, support for educational expenses is provided through the Lhak-Sam, the CSO formed by people living with HIV/AIDS in 2009.

232. A study was carried out by the MoH in 2012 to determine knowledge, attitude, practices and behaviours on HIV, AIDS and STIs, targeting epidemiologically groups vulnerable including in and out of school youth between 15 to 25 years of age. This report provides information on sexual risk and un-protective behaviours that may lead to the transmission of HIV/AIDS, and identifies problems and impediments they face in accessing information on HIV/AIDS and STI.

233. Lhaksam, a CSO was registered as a CSO in 2010 by a group of people living with HIV, to create and promote a strong support system to address and take collective action to effectively respond to the needs of people living with HIV. Lhaksam functions under the Royal Patronage of Her Majesty the Queen Mother Ashi Sangay Choden Wangchuck who has actively advocated for the rights of people living with HIV and AIDS. Lhaksam has been effective in bring the plight of this group of vulnerable peoples to the forefront and lowering the social stigma attached to it.

234. The NCWC with support from the UNICEF has also built the capacity of LHAKSAM members to carry out a needs assessment of children affected by HIV and AIDS (CABA) in 2015. This study will map the CABA and provide information on the number of CABA, outlining their special needs as well protection issues that CABA face, and provide recommendation for targeted interventions for improved protection care and support of CABA.

235. The Religion and eHeaHealth Health Program under the Commission for Monastic Affairs of Bhutan has been carrying out awareness on HIV and AIDS for monks at the national and district levels. Awareness on the issue was carried out for Lam Netens (district head of monastic institutions), principals and teachers of monastic institutions under the Commission as well as private monastic institutions and nunneries.

## Chapter 7. Education, leisure and cultural activities

**Education, including vocational training and guidance**

236. The Constitution via Article 9 (15) states that education shall be provided to increase and improve knowledge, values and skills of the entire population with education being directed towards the full development of the human personality.

237. Article 9 (16) of the Constitution mandates the Government to provide free education to all children and make higher education easily accessible to all. It also require the Government to make available technical and professional education.

238. The draft NEP reinforces the Constitution by assuring that "All Bhutanese children including those with special needs shall have access to a quality basic education (up to grade 10 or equivalent) that is free (in terms of tuition fees and textbooks) and equitable". The government's commitment is evident as 24.39% of the total outlay in the 11th FYP is allocated to social sectors like education and health.

239. The initiative of the Government to ensure access to schools requires that every school is only an hour's walking distance through the establishment of primary schools or extended classrooms has ensured that the primary coverage has been enhanced and particularly in rural and remote areas. This has been complimented by the school feeding programme for those who need to avail boarding facilities and those who walk long

distances to school or come from economically impoverished backgrounds. There are currently 554 schools and 111 extended classrooms in Bhutan.

240. Moreover, the achievement of a primary net enrolment ratio of 96% indicates the progress in coverage of primary age children in the country as compared to 91.82% in 2009.

241. This progress is further validated by the Adjusted Net Enrolment Ratio of 98.5% in 2013, 1.5% shy of reaching the MDG of universal primary education.

242. Bhutan has also made tremendous progress towards ensuring gender equality in education with the gender parity index calculated at 1.02, an indication that on the whole there is no significant gender equality in the Bhutanese education system. Gross Primary enrolment of boys and girls rose from 82.6% and 72% respectively in 2000 to 109% for boys and 111% for girls in 2012 while Secondary school enrolment ratio for girls and boys is 77.22:73.32. The school life expectancy for both genders is estimated at 12 years. This has been possible through the policy of establishing primary schools, extended classrooms and providing free books, boarding facilities and school feeding programs, particularly in rural and remote areas to encourage admission and retention of children, especially girls from vulnerable backgrounds.

243. The South Asian Report on Child Friendliness of Governments determines that Bhutan is second to India in terms of girl's empowerment in the education sector. Enrolment of girls in primary and secondary schools exceeds that of boys. The Glass Ceiling in the Educational Curve for Girls study (2009) was carried to assess participation of girls at the higher secondary level in Bhutan. In follow up to the recommendation of the study for targeted interventions for the enhancement of gender responsiveness to education, the Government initiated girl-friendly school facilities, gender sensitization program and counselling and financial and other support for girls.

244. The Educating for Gross National Happiness programme has been introduced in all schools to infuse the values and principles of GNH into the school system, enabling teachers and students to learn and co-exist harmoniously. The programme promotes inclusiveness in education through child friendly teaching learning environments, gender responsiveness, spirit of brotherhood, and critical thinking skills while at the same preparing children to face current and emerging challenges of a globalizing world.

245. In order to address concerns with regard to school readiness and quality of education, policy guidelines have been prepared to expand Early Childhood Care and Development (ECCD) and a separate Division created under the Department of School Education to expand and enhance provision of ECCD services. The draft NEP has included ECCD as a component.

246. The MoE has developed the Curriculum Implementation Guide for ECCD facilitators, the Bhutan Early Learning Development Standard Implementation Guide for ECCD facilitators and the ECCD Parenting Education Curriculum and Training Manual to further strengthen the program. 118 community based ECCD centres have been established in rural and remote communities to give children from poor socio-economic and disadvantaged families an early head start.

247. Towards meeting the needs of vulnerable children, and specifically to give children from poor socio-economic backgrounds an early head start, the government has initiated establishment of community based ECCD centres. Catering to 3-5 year olds, this initiative takes early stimulation and school readiness program free of cost to local communities. Currently there are 118 such centres across Bhutan, not including those centres established and run by the private sector. The government aims to establish 135 more centres within the 11 FYP.

248. In order to ensure that children, and particularly those from socio-economically disadvantaged backgrounds, do not fall out of the education system, from 2014, the government has put in place a policy to allow students who have failed classes X and XII to repeat one more year free of cost. This policy benefitted 212 students who would have otherwise had to pay to continue their education or drop out of school.

249. To help meet the need for providing specialized education services, a special education unit has also been established at the MoE.

250. Presently, eight schools cater to children with special needs, with two schools providing specialized services for the visually and hearing impaired. As of June 2013, there were 259 teachers trained on inclusive education, catering to such students.

251. During the 11th FYP, the service centres of 15 schools, including the existing 8, will be improved and upgraded. A network consisting of focal points from different sectors has also been established and their roles mapped out to address the needs of children with disabilities. Similarly, there is increasing number of active CSOs providing educational services to children with special needs.

252. Bhutan also hosted its first regional seminar on inclusive education for children with disabilities in December 2013.

253. In efforts to ensure the provision of quality education, the student-teachers ratio is being prioritised and Bhutan has one of the lowest STRs at 22 students per teacher in the South Asian region.

254. Major initiatives to improve the relevance and quality of education include the Educating for Gross National Happiness (GNH) programme which has been introduced in the schools since 2010. This programme which focuses on infusing the values and principles of GNH into the school system has the objective of providing wholesome education which is relevant, applicable and value laden.

255. Another initiative has been the School Performance Management System (PMS) ranking which assesses schools through a whole school approach and not just the academic scores. Under this system the top ranking 10 schools are recognised through public media while the bottom ranking 10 schools are discreetly provided support. All the schools are confidentially provided with their own ranking and supported in making school improvement plans. In 2013, professional development was provided to 173 educators in 5 districts including school principals and districts education officers.

256. To ensure that curriculum is in keeping with changing needs and priorities, major reforms have been initiated in the curriculum and teachers have been provided capacity building to ensure effective learning.

257. To enhance teaching learning through the use of ICT, and to enhance teachers and student's skills in ICT, several projects were implemented in the period under review such as:

(a) The "Chigpen Rigphel project" through which over 5000 teachers were trained in ICT, ICT laboratories were established in 168 secondary schools, and ICT literacy was introduced as a mandatory subject for all secondary students;

(b) The empowering teachers' project through which over 3000 teachers availed of concessional loans arranged by the MoE to buy computer laptops or desktops;

(c) The WIRED (weaving infotech resources into education) project which equipped five pilot schools and trained teachers in these schools on integrating ICT into teaching learning.

258. Towards improving the quality of education through the use of ICT, the Education ICT Master plan which looks into all aspects of ICT in Education, whether to improve efficiency, management, as a tool for learning, or as a subject of learning, along with a roadmap and timeline, has been developed and endorsed by the government in 2013.

259. The Implementation ICT Master plan has begun with the introduction of the I-School. Use of technology to reach out to hundreds of students is being piloted with the teaching of core subjects (Mathematics, Physics, Chemistry and English) and other subjects like Civics, GNH, Mindfulness, Environment or Social Studies. This program will be expanded in the 11th FYP to connect students in the most remote areas to the best teachers in selected master classrooms around the country.

260. To attract and retain the best teachers, while enhancing their quality and motivation, the Teacher Human Resource Policy has been developed and endorsed by the government. This Policy looks at the five critical aspects of Teacher HR such as recruitment, deployment, professional development, performance management and career track.

261. Towards improving the morale and motivation of teachers recognition for exemplary service and service in schools in remote areas have come from the highest order-His Majesty the King, who awarded National Order of Merit to 98 teachers in 2013.

262. Towards supporting the enhancement of quality of education through innovations, the Bhutan Education Endowment Fund has been setup in 2013. This fund will support research and innovative projects in education through grants to schools and teachers.

263. To enable lifelong learning, the MoE continues to provide continuing education to those who left the education system through the Continuing Education programme which has now been expanded to 21 centres in 14 districts catering to 2077 learners. For those who missed the opportunity to go to school altogether, the MoE continues to provides basic literacy and numeracy through the Non Formal Education programme which has since 2013 been expanded to include functional skills in English as well. The Non-formal Education programme currently caters to 9,628 learners, 70% of whom are women.

264. To provide a strategic direction for the development of the education system for the next 10 years, the MoE has initiated the preparation of the Education Blueprint

265. Games hours and TV connections have been introduced in religious institutions so that children have time off their routine for leisure and entertainment. Equipment for games have also been distributed to religious institutions of this.

266. On the invitation of the Government, the UN Special Rapporteur on the Right to Education Mr. Kishore Singh visited Bhutan from 25th May to 4th June 2014 and met with the Prime Minister and other members of the Cabinet and other officials from the government and non-government sectors including the UN System.

267. The Special Rapporteur stated that Bhutan had made remarkable progress in achieving the universal right to education having achieved all education-related objectives in the Millennium Development Goals (MDGs), including nearly universal access to education for all children, and parity in education for boys and girls. He noted on the emphasis on supporting the needs of children with disabilities and cited the School for the Deaf and the School for the Blind as notable examples of inclusive education. The Special Rapporteur commended the Government for embracing the concept of GNH, and its efforts to give shape to it stating that Bhutan's "Education for Gross National Happiness" is an important way to achieve the education objectives set out in the Universal Declaration of Human Rights.

268. Although no specific services are provided, Section 173 of the Labour and Employment Act, 2007 mandates the Ministry of Labour and Human Resources to "make reasonable efforts to provide vocational education and training opportunity to a Bhutanese who is below 18 years old seeking employment".

269. The MoLHR has under the Asian Development Bank (ADB) supported on Basic Skills Development Project expanded the Technical Training Institute. Special training in Hydro Power has been initiated for those students who have dropped out of classes 8-10 as well as traning in the areas of hospitality and health services.

270. Special Skills Development Programme for children in conflict with law, people with disabilities, monks and nuns have been started and scholarship programme initiated for those children below the age of 18 years based on demand.

271. Village skills development programme was initiated under the Japan Fund for Poverty Reduction (JPFR) support project for in which school dropouts and uneducated majority of whom are girls.

272. Apprentice Training Programme for those class 10 dropout students in different areas provided for those interested, many of whom were children.

**Education of children of Nepalese ethnic origin**

273. All selection of children for admission into schools is based on merit and there is no discrimination on selection.

274. Article 9(16) of the Constitution mandates "the State to provide free education to all children of school going age up to tenth standard and ensure that technical and professional education is made generally available and that higher education is equally accessible to all on the basis of merit".

275. The NEP ensures for the implementation of a comprehensive plan to achieve its visions, mission and goals which includes the "creation of necessary learning space and opportunities to engage the genius and potentials of all the children and youth of the country in keeping with the provisions of the Constitution..." and ensuring that "every Bhutanese child aged six and above is in school and completes a minimum of basic education in time."

276. One of the strategies is to ensure that the education systems responds to and "can meet the diverse needs of different communities, employers, and the wider society."

## Chapter 8. Special protection measures

**Refugee children**

277. It must be recalled and noted that the issue of the people in the refugee camps in Nepal is not a typical refugee situation but one arising from large scale illegal immigration of economic migrants. The children in the camps in Nepal are beyond the territorial jurisdiction of Bhutan and are under the care of the Nepalese government, UNHCR and other humanitarian agencies.

278. The bilateral talks Bhutan has held with Nepal since 1993 is geared to verify the bonafides of the people in the refugee camps in Nepal. The two governments have agreed that there are different categories of people in the camps including non-Bhutanese people. It is therefore factually incorrect to term all the people in the camps as "Bhutanese" and the Royal Government cannot accept a blanket reference to all the people in the camps as being refugees from Bhutan.

279. The political instability of Nepal and frequent changes of government in Nepal has impeded the bilateral talks and progress on the issue. Nevertheless Bhutan has been in contact with Nepal on the sidelines of high-level regional and international meetings. Most recently in March 2014 the Prime Ministers of Bhutan and Nepal met in Nay Pyi Taw in Myanmar on the sidelines of the BIMSTEC Summit. The two Prime Ministers also met in New Delhi, India during the Swearing-in ceremony of Prime Minister Narendra Modi in May 2014.

280. It has always been the view of the Government that in order to give meaningful effect to any international obligations, we must first build the necessary legal, political, and social institutions, as well as develop the human resources of the country before assuming these obligations.

**Economic exploitation**

281. In the context of the few reports of child labour in the country, it must be noted that traditionally, children are expected to help their parents with household chores, other domestic work and some farm work, which are not exploitative but rather contribute towards inculcating family and communal values in addition to skills building.

282. The NCWC conducted the Situation of Child Labour is Bhutan 2009 as a move towards addressing the economic exploitation of children. The findings of the report formed the basis for advocating for the rights of children involved in child labour and for programming to address this issue.

283. The Violence Against Children Study which is being carried out by the NCWC with support of the UNICEF will in addition to capturing information on VAC issues also include data on economic exploitation.

284. For the first time, the National Labour Force Survey included a component to collect data on the worst forms of child labour. This was carried out by the MoLHR with the support of the UNICEF and the NCWC. The draft report provides information on the extent and types of child labour and some drivers of child labour.

285. The Communication for Development Strategy on Child Protection which is to be developed by the NCWC in collaboration with other government and non-government organisations will also include strategies to create awareness and advocate for issues on child labour.

286. Since it was first observed in Bhutan in 2011, the World Day Against Child Labour has been observed in collaboration with various stakeholders including children. The programs on the issue including statements by the Minister of the MoLHR and panel discussions on the issue of child labour and on the existing legal framework to protect children have received coverage on national television.

287. The minimum age of employment in Bhutan is 18 years, although children between the ages of 13-17 are allowed to work in certain areas and under the defined conditions prescribed in the Regulation on Acceptable Forms of Child Labour.

288. The Regulation on Acceptable Forms of Child Labour lists the type of work that is prohibited for children between the ages of 13-17 years. It was reviewed in 2012 to further align it to the ILO Conventions and strengthen protection for children. During the review, special provisions on reporting procedures to the Chief Labour Administrator on the recruitment of child workers, as well as other relevant documents required to be submitted were amended.

289. In 2012, MoLHR established a multi-sectoral child labour taskforce consisting of government and non-government organizations to enhance coordination among the concerned agencies to combat child labour problem. With the support of UNICEF "A Handbook for Labour Inspectors Combating Child Labour in Bhutan" was developed in 2012. Labour Inspectors have been trained on child labour and child rights issues in addition to training on ethical interviewing of children.

290. The MoLHR is in the process of developing a system where complaints related to children can be lodged online and will also generate reports on child labour.

291. Although Bhutan is not yet a member of the International Labour Organisation (ILO), Bhutan has been participating in programs organised by the ILO and groundwork on ILO membership has been carried out.

**Sexual exploitation**

292. The NCWC with the support of the UNICEF is currently undertaking the national level VAC study to document the types, extent and prevalence of violence against children. The study is being carried out in three phases-Phase 1: desk review of existing literature at the national and global level as well a secondary analysis of national data on VAC; Phase 2: a qualitative assessment of VAC and Phase 3: quantitative survey. Having completed Phase 1 of the study, Phase 2 is currently ongoing and it is expected that the final report will be ready for use in the second quarter of 2015. The report will not only map the types, extent and prevalence of VAC but also make recommendations for interventions from the perspective of prevention, protection and prosecution of VAC cases.

293. The NPACP also addresses protection issues for children, which include child victims of sexual exploitation.

294. The NCWC with support from the SAIEVAC has also carried out two Violence Against Children Consultations with in and out of school youth, including children with disabilities.

295. The RBP has in addition to basic child friendly procedures sessions at the training institutes also been carrying out short training on child protection issues for police personnel. The curriculums at the two police training institutes are currently under review to incorporate a child protection component.

296. Trainings for youth volunteers, CSO personnel and other government officials on child protection and with specific sessions on addressing violence against children have also been carried out by the NCWC.

297 Trainings include the child protection training courses conducted by the YDF for government and non-government partners with financial support from the UNICEF which have specifically the issue of addressing issues related to child victims of violence.

298. The RENEW has been carrying out training for their community and youth volunteers on child protection issues which has included sexual exploitation of children. The RENEW has also counsellors who are trained to work with women and children victims of violence and provide counselling and shelter services to victims. They have also developed rehabilitative programs for victims.

299. The Child Care and Protection Rules and Regulations has outlined clear procedures to address the needs of child victims including the determination of the best interests of child victims. Provisions have also been made in the Rules and Regulations with regard to the provision of support services including protection measures for children in difficult circumstances under which child victims of sexual exploitation are included.

300. District Child Welfare Committees are to be established which will include representation from relevant government and non-government organisations to manage and monitor cases of children in difficult circumstances and provide necessary support services that children require.

301. In addition to the appointment of the legal officer at the NCWC who receives and resolves cases of VAC, it is expected that additional officials will be appointed to provide necessary services to victims of violence.

302. In line with the CCPA, it's Rules and Regulations clearly outlines procedures for the appointment of Child Welfare Officers at the NCWC and CSOs, specifying minimum criteria and code of ethics for the CWOs to abide by. Responsibilities for capacity building for the CWOs and monitoring of the CWOs have also been given to the NCWC.

303. A Standard Operating Procedures on the Management and Referral of Cases of Women and Children in Difficult Circumstances will be drafted by the NCWC as an follow up to the provisions of the draft Rules and Regulations.

304. Article 9(18) of the Constitution puts the responsibility on the State to ensure that all appropriate measures taken to protect all children "against all forms of discrimination and exploitation including trafficking, prostitution, abuse, violence, degrading treatment and economic exploitation".

305. The amendment of the Penal Code of Bhutan in 2011 included the change of sexual consent at 16 years if both children are between 16 to 18 years of age but maintaining the general age of sexual consent at 18 years.

306. While the Labour and Employment Act under Section 9(b) and (e) strengthens the legal framework to prevent the "use, procuring or offering of the child for prostitution, for the production of pornography or for pornographic performances" and any work that may expose a child to sexual abuse. Penal offences on sexual abuse have also been raised in the Penal Code.

**Administration of Juvenile Justice**

307. The CCPA was enacted by the Parliament in 2011.

308. While Section 38 of the CCPA requires the establishment of a Child Justice Court, Sections 40 and 41 outline requirements for regular Courts to address cases related to children as per procedures outlined in the CCPA.

309. Chapter 9 of the CCPA clearly outlines procedures to address cases of children in conflict with the law, with provisions to give primary consideration to the best interests of the child in all instances.

310. In the drafting of the Child Care and Protection Rules and Regulations, reference was made to the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Liberty. Other literature referred to were the Guidance Note from the Secretary General-UN Approach for Justice for Children and Save the Children document on Juvenile Justice and working with children in conflict with the law.

311. Section 72 of the CCPA states that "a child in conflict with the law is a child who is above 12 years of age..." The amendment of the Penal Code of Bhutan in 2011 harmonised the minimum age in keeping with the CCPA via Section 144 which states "if the defendant is a child of 12 years and below, he/she shall not be held liable for any offence committed by him/her."

312. The CCPA has provided for deprivation of liberty as a last resort and outlines provisions for diversion programs for children in conflict with the law:

(a) Section 74 does not permit the arrest and detention of a child without a warrant from the Court while Section 101 states that institutionalisation or detentions pending adjudication as a last resort and for the shortest duration;

(b) Section 79 ensures the right of a child to minimum sentencing;

(c) Section113 permits the use of handcuffs only if exceptional circumstances warrant its use; and

(d) Chapter 12 outlines procedures for diversion programs.

313. The Rules and Regulations for the CCPA also clearly outline procedures to carry out diversion programs and also specifies the various diversion programs that a child can participate in. It has also made provisions for a child to not participate in a diversion program if he or she decides not to.

314. Section 180 of the CCPA provides for appointment of legal representation to a child in conflict with the law whose parents or guardians are indigent. This is also resonated in the CCPC while the draft Rules and Regulations for the CCPA provides guidelines for the appointment and responsibilities of a legal representative with regard to a child in conflict with the law.

315. A child in conflict with the law is to be provided addressed in a manner and language based on the child's need and capacity. Provisions have been made in the draft Rules and Regulations of the CCPA to work with a child in conflict with the law in a child friendly manner and it ensures that the child shall have access to an interpreter at all stages of proceedings.

316. Capacity building programs have been carried out for the law enforcement, CSOs, judicial officials and other government organisations on child friendly procedures.

317. The BNLI has been carrying out training for judicial officials (judges and para-legal) and legal officers on child friendly judicial procedures. In 2013, the BNLI conducted a Naticnal Child Justice Conference for judges and other officials from government and non-government organisations to create awareness on the child justice issues and develop and action plan to establish a child justice system.

318. The Training of Trainers on Child Justice for legal officers and law enforcement officials carried out in 2013 fulfilled its primary objectives of enhance understanding on the concept of Child Justice for law enforcement, legal officials, judges, and NGOs and knowledge and skills of the participants on child friendly procedures in dealing with children in conflict with the law. It also contributed towards creating a group of trainers with the capacity to implement as well as roll out trainings on implementing international instruments in judicial judgment and legal jurisprudence

319. The RBP has established a Women and Children Protection Division (WCPD) under which, 6 Women and Child Protection Units (WCPU) and Desks have been established in 6 districts. All 20 districts will have a Women and Children Protection Unit or Desk by the end of the 11th FYP.

320. The RBP is also currently reviewing the curriculum for the training centres for police personnel to improve on the module on child friendly police procedures. Short training programs will continue to be implemented until the curriculum has been finalised and a pool of trainers to carry out the training at the two training centres have been trained.

321. The drafting of the Rules and Regulations for the CCPA was based on the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. Procedures on working with child victims and witnesses in the draft Rules and Regulations have been adapted from the UN Guidelines.

322. The UNICEF Child Protection Specialist and National Child Protection Officer, Bhutan Office were actively involved in the drafting of the Rules and Regulations.

323. The Save the Children Country Office in Bhutan will provide financial support to government and non-government organisations to enhance service delivery to children in conflict with the law. Support will be provided through a three year project to strengthen capacity of judicial, police and other personnel working with children in conflict with the law as well as strengthening judicial and police procedures on the same.

**Children belonging to a minority group**

324. Article 4 of the Constitution ensures the protection of the rights of minority groups to enjoy their own cultures, practice their religion and use their language.

325. Article 9 of the Constitution on the Principles of State Policy has three provisions that have a direct relation to children in terms of provision of free education for all children up to class 10 and protection of all children against discrimination. Details on this Article can be found under Paragraph 6 of this report.

## Chapter 9. Ratification of international human rights instruments

326. The Government in September 2010 signed the Convention on the Rights of People with disabilities.

327. The Optional Protocol on Sale of Children, Prostitution and Child Pornography was ratified on 26 October 2009 and the Optional Protocol on the Involvement of Children in Armed Conflict on 9 December 2009.

328. It has always been the Government's position that before ratifying or acceding to conventions and treaties, the necessary legal framework, social institutions as well as human and financial resources must be in place to assume the treaty obligations and abide by the instruments in letter and spirit. In the absence of strong institutions and adequately qualified personnel, the Government is seriously constrained in fulfilling obligations as required by these instruments. As Bhutan's capacity continues to grow, the Government will consider ratifying or acceding to the other relevant instruments.

# Annexure I

| *Penal Code 2004* | | *Penal Code Amendment 2011* |
|---|---|---|
| Crime | Penalty | Penalty |
| Section 181 – Statutory rape | Section 182 – Second degree felony | First degree felony |
| Section 183 – Rape of a child below 12 years | Section 184 – Third Degree felony | Second degree felony |
| Section 191 – Gang rape of a child below 12 years | Section 192 – First degree felony | Life imprisonment |
| Section 193 – Gang rape of a child above 12 years and below 16 years | Section 214 – Second degree felony | First degree felony |

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